

DOCKET NO.: **BA-0342
Application No.: 10/611,737
Office Action Dated: January 28, 2009

PATENT

Amendments to the Drawings

The attached sheet of drawings includes changes to Fig. 1. The sheet, which includes Fig. 1, replaces the original sheet including Figs. 1.

Attachment: Replacement Sheet(s)

REMARKS

Office action summary

As of the Office Action of January 28, 2009 (“Office Action”), claims 29-31, 36 and 37 were pending in the present application, and claims 1-2, 4-8, 10 stood withdrawn. Applicants presently cancel claims 1-2, 4-8, and 10 without prejudice or disclaimer. Claims 29-31, 36 and 37 are presently amended. Claims 42-56 are presently added. Thus, following entry of the present amendments, claims 29-31, 36-37, and 42-56 will be pending.

The following objections and rejections were made in the Office Action:

- Claims 1-2, 4-8, and 10 stand withdrawn as being non-elected in response to a restriction requirement.
- Figure 1 of the drawings stands objected to as requiring identification of “bus 132” in the figure.
- Claims 29-31 and 36-37 stand rejected under 35 USC § 102(b) as being anticipated by Barry et al, US Patent 5,859,711 (“Barry”).

The present amendments are submitted with a request for continued examination. The objection and rejections are discussed below. The examiner is respectfully urged to reconsider the application, and withdraw the objection and rejections. Should the examiner have any questions or concerns that might be efficiently resolved by way of a telephonic interview, the examiner is invited to call applicants’ undersigned attorney, Jon M. Isaacson, at **206-332-1102**.

Telephonic interview

On March 11, 2009, applicants’ undersigned attorney and Examiner Nguyen conducted a telephonic interview. Applicants’ undersigned attorney would like to thank the examiner for granting the interview. During the interview, the objection to Figure 1 was discussed, and the Barry reference was discussed with respect to the rejections under 35 USC § 103(a). No agreement was reached. Any further substance of the interview is incorporated into the remarks below.

Restriction/election requirement

Without conceding the propriety of the restriction/election requirement, in an effort to advance prosecution of the present application, applicants presently cancel claims 1-2, 4-8, and 10 without prejudice. Applicants retain the right to re-file the cancelled claims in a subsequent application.

Objection to the drawings

Figure 1 of the drawing stands objected to as requiring identification of “bus 132” in the figure. Applicants presently amend Figure 1 with the label “BUS” and the reference number “132” indicating the bus. Applicants submit that the figures comply with the examiner’s concern and respectfully request withdrawal of the objection.

Rejections under 35 USC § 102(b)

Claims 29-31 and 36-37 stand rejected under 35 USC § 102(b) as being anticipated by Barry. Applicants respectfully traverse the rejections of claims 29-31 and 36-37 and hereby request reconsideration thereof.

Claim 29

Independent Claim 29 is generally directed to a method for printing a plurality of digital images. As claimed, a set of digital images are processed to produce a plurality of processed images. This set of digital images are fewer than the total of available digital images. Then after the set of images are processed, a print engine is activated and the processed images are printed. Applicants respectfully submit that claim 29 is patentably defined over Barry for at least the following reasons: (1) Barry fails to teach “performing image processing on a first set of images,” as recited by claim 29; and (2) even assuming, *arguendo*, that Barry teaches image processing, Barry fails to teach “image processing on a first set of images including fewer than all of a plurality of images to produce a first plurality of processed images,” as recited by claim 29.

First, applicants respectfully submit that Barry fails to teach “performing image processing on a first set of images,” as recited by claim 29. The examiner cites to the Virtual Job Manager 354 of Barry as performing the image processing as recited in claim 29. (Office

Action, page 5.) Barry describes that Job 352, which includes both black and white pages and color pages, is passed to Virtual Job Router 354, and that Virtual Job Router 354 performs “a parsing operation.” (Col. 14, ll. 56-61.) The parsing operation of Virtual Job Router 354 essentially separates the black and while pages and the color pages into Job 1 and Job 2, respectively. (Col. 14, line 61 – col. 15, line 3.) Thus, Virtual Job Router 354 merely sorts a print job into pages for black and white printing and pages for color printing.

In contrast, applicants’ disclosure describes several non-limiting examples of image processing: red-eye reduction, contrast correction, and brightness correction. (Para. 0030.) Applicants submit that the cited portions of Barry fail to disclose the image processing of claim 29 because the cited portions of Barry fail to disclose changing the image in any way.

Second, applicants respectfully submit that, even assuming, *arguendo*, that Barry teaches image processing, Barry fails to teach “image processing on a first set of images including fewer than all of a plurality of images to produce a first plurality of processed images,” as recited by claim 29. As cited above, Barry discloses that Virtual Job Router 354 merely sorts a print job into pages for black and white printing and pages for color printing. Assuming, *arguendo*, that parsing pages of a print job is equivalent to the image processing recited in claim 29, applicants submit that Barry fails to teach parsing fewer than all of the documents in the print job. Specifically, referring to Barry’s Fig. 12, Job 352 contains 6 pages: pages 1, 3, and 5 are black and white, and pages 2, 4, and 6 are color. Barry then shows Job 352 being passed to Virtual Job Router 354 which *parses all 6 pages* into two jobs, Job 1 and Job 2. Black and white pages 1, 3, and 5 are sent to Job 1 and color pages 2, 4, and 6 are sent to Job 2. (See Fig. 12.) Applicants respectfully submit that Barry describes the parsing of all pages in the print job because the Virtual Job Router must determine whether to send the page to the black and white print job or the color print job. Thus, even assuming, *arguendo*, that parsing pages of a print job is equivalent to the image processing recited in claim 29, applicants submit that Barry fails to teach processing fewer than all of the pages because the Virtual Job Router parses all of the images to one of two print jobs.

For at least the foregoing reasons, applicants respectfully submit that claim 29 is patentably defined over the cited art. Accordingly, applicants request withdrawal of the rejection of claim 29 under 35 USC § 102(b).

Claim 36

Independent claim 36 contains recitations similar to those recitations of claim 29 discussed above; however, claim 36 is specifically drawn to a system that can perform the steps recited in claim 29. For at least the reasons discussed above regarding the patentability of claim 29, applicants submit that claim 36 is patentably defined over the cited art. Accordingly, applicants request withdrawal of the rejection of claim 36 under 35 USC §102(b).

Claims 30-31 and 37

Claims 30-31 and 37 depend, respectively, from claims 29 and 36. Inasmuch as claims 30-31 and 37 depend from independent claims which are patentably defined over the cited art as shown above, applicants submit that claims 30-31 and 37 are patentably defined over the cited art for at least the reasons articulated above with respect to independent claims 29 and 36. Accordingly, applicants respectfully request withdrawal of the rejection of claims 30-31 and 37 under 35 USC § 102(b).

New claims

New independent **claim 50** contains recitations similar to those recitations of claim 29 discussed above; however, claim 50 is specifically drawn to a computer-readable medium containing instructions for performing the steps recited in claim 29. For at least the reasons discussed above regarding the patentability of claim 29, applicants submit that claim 50 is patentably defined over the cited art. Accordingly, applicants request allowance of claim 50.

Claims 42-49 and 51-56 depend, directly or indirectly, from claims 29, 36, and 50. Inasmuch as claims 42-49 and 51-56 depend from independent claims which are patentably defined over the cited art as shown above, applicants submit that claims 42-49 and 51-56 are patentably defined over the cited art for at least the reasons articulated above with respect to independent claims 29, 36, and 50. Accordingly, applicants respectfully request allowance of claims 42-49 and 51-56.

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Prior Art Made of Record

Applicant has reviewed the prior art made of record in the present Office Action as considered by the Examiner to be pertinent to applicant's disclosure but not was not relied upon to reject any claim. Applicant is in agreement with the Examiner that this art is pertinent to applicant's disclosure but does not, singly or in combination, anticipate or render obvious any claim of the present application.

Conclusion

Applicants believe that the present remarks are responsive to each of the points raised by the examiner in the Office Action, and submit that claims 29-31, 36-37, and 42-56 of the application are in condition for allowance. Favorable consideration and passage to issue of the application at the examiner's earliest convenience is earnestly solicited.

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